

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-VS-

TIMOTHY DEAN PETERSON,

Defendant.

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07-CR-149-A

**STATEMENT OF THE GOVERNMENT WITH RESPECT  
TO SENTENCING FACTORS**

**PLEASE TAKE NOTICE**, that the government adopts the findings of the Presentence Report with respect to sentencing factors. The plea agreement differs from the Sentencing Guideline calculation in the Presentence Report in that the plea agreement found two prior convictions, see, PSR ¶¶ 34 and 36, which did not appear on the NCIC printout the parties. Should the defendant present any letters of support or sentencing statement to the Court, the United States will move to strike the items from the record if this office is not provided with copies at least three business days prior to sentencing.

The defendant is required by 18 U.S.C. § 3013 to pay the sum of \$100.00 at the time of sentencing.

Upon the ground that the defendant has assisted authorities in the investigation or prosecution of the defendant's own misconduct by timely notifying authorities of the defendant's intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the Court to allocate their resources efficiently, the government hereby moves the Court to apply the additional one (1) level downward adjustment for acceptance of responsibility pursuant to U.S.S.G. § 3E1.1(b).

DATED: Buffalo, New York, September 14, 2007.

Respectfully submitted,

TERRANCE P. FLYNN  
United States Attorney  
Western District of New York  
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BY:

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s/JAMES P. KENNEDY, JR.  
Assistant U.S. Attorney

TO: Marianne Mariano, Esq.  
Counsel for Defendant

United States Probation Department  
Attn: Kathleen A. Horvatits  
U.S. Probation Officer

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 14, 2007, I electronically filed the foregoing **STATEMENT OF THE GOVERNMENT WITH RESPECT TO SENTENCING FACTORS** with the Clerk of the District Court using its CM/ECF system, which would then electronically notify the following CM/ECF participants on this case:

Marianne Mariano, Esq.

Kathleen A. Horvatits  
U.S. Probation Officer

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s/SHARON A. SOUTHWORTH